

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

**NATURE ISLAND INVESTMENT
COMPANY, LTD.,**

Plaintiff,

v.

CDC GLOBELEQ,

Defendants.

C.A. No. 05-10377-GAO

**ASSENTED-TO MOTION TO
ADMIT J. JOSEPH BANTON
*PRO HAC VICE***

I, Kurt B. Gerstner, a member of the bar of this court and counsel for the defendant CDC Globeleq (“CDC”), hereby move pursuant to Local Rule 83.5.3(b) for the admission of Attorney J. Joseph Bainton *pro hac vice*. Attorney Bainton is a member of the law firm Bainton McCarthy LLC, 26 Broadway, Suite 2400, New York, New York 10004.

In support of this motion, and as set forth in the certificate attached hereto as Exhibit A, the undersigned states as follows:

1. J. Joseph Bainton is admitted to practice law in the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the Eleventh Circuit, the United States District Court for the Eastern District of New York, the United States District Court for the Southern District of New York, the United States District Court for the Western District of New York, the United States District Court for the Northern District of Indiana, as well as in the highest court of the State of New York.

2. Attorney J. Joseph Bainton is a member of the bar in good standing in every jurisdiction where he has been admitted to practice.

3. There are no disciplinary proceedings pending against Attorney J. Joseph Bainton in any jurisdiction where he is admitted to practice.

4. Attorney Bainton is familiar with the Local Rules of the United States District Court for the District of Massachusetts.

5. A member in good standing of this Court, Kurt B. Gerstner of Campbell Campbell Edwards & Conroy, P.C., will serve as local counsel and assist Attorney Bainton with this matter.

6. Kurt B. Gerstner has filed an answer on behalf of CDC in this matter.

7. In the interest of full disclosure, a notice of appearance was filed on Mr. Bainton's behalf on November 22, 2005. At the time, Mr. Bainton had a good faith belief that he was admitted to practice before the Court by reason of previous cases he has tried in the District of Massachusetts. A response we later received from the Clerk of the Court revealed to us that Mr. Bainton was not currently on the roll of attorneys admitted to practice in this District.

8. The plaintiff assents to this motion.

WHEREFORE, this Court should permit Attorney J. Joseph Bainton to appear *pro hac vice* on behalf of CDC for the duration of this lawsuit.

Dated: Boston, Massachusetts
December 19, 2005

CDC GLOBE LEQ

By its Attorneys,

CAMPBELL CAMPBELL EDWARDS &
CONROY, P.C.

/s/ Kurt B. Gerstner

Kurt B. Gerstner (BBO #190130)
Christopher R. Conroy (BBO #661155)
One Constitutional Plaza
Boston, MA 02129
(617) 241-3000

CERTIFICATE OF SERVICE

I, Kurt B. Gerstner, of Campbell Campbell Edwards & Conroy, Professional Corporation, attorney for CDC Globeleq, hereby certify that on December 19, 2005, a true copy of the above document and the accompanying *Certificate of J. Joseph Bainton* was served upon counsel for Plaintiff Nature Island Investment Company, Ltd. via the Court's ECF system and by regular mail.

/s/ Kurt B. Gerstner

Kurt B. Gerstner

EXHIBIT A

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Plaintiff,

V.

CDC GLOBELEQ,

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**CERTIFICATE OF
J. JOSEPH BANTON**

I, J. Joseph Bainton, of full age, make this certificate pursuant to Local Rule 83.5.3(b) of the Local Rules of the United States District Court for the District of Massachusetts.

1. I am an attorney at the law firm of Bainton McCarthy LLC, 26 Broadway, Suite 2400, New York, New York 10004.

2. I am admitted to practice law in the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the Eleventh Circuit, the United States District Court for the Eastern District of New York, the United States District Court for the Southern District of New York, the United States District Court for the Western District of New York, the Northern District of Indiana, as well as in the highest court of the State of New York.

3. I am a member of the bar in good standing in every jurisdiction where I have been admitted to practice.

4. There are no disciplinary proceedings pending against me as a member of the bar of any jurisdiction where I have been admitted to practice law.

5. I have reviewed and am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

6. I make this Certificate in support of the motion of Kurt B. Gerstner of Campbell Campbell Edwards & Conroy, P.C., One Constitution Plaza, Boston, MA 02129, a member of the bar of this Court, for an order admitting me *pro hac vice* to serve with him in this case as co-counsel for defendant CDC Globeleq ("CDC"). Mr. Gerstner has already filed an answer as counsel for CDC in this matter.

7. In the interest of full disclosure, a notice of appearance was filed on my behalf on November 22, 2005. At the time, I had a good faith belief that I was admitted to practice before the Court by reason of previous cases he has tried in the District of Massachusetts. A response my firm received from the Clerk of the Court later revealed that I was in fact on the current roll of attorneys admitted to practice in this District.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 16TH DAY OF DECEMBER, 2005.

/s/ J. Joseph Bainton

J. Joseph Bainton
Bainton McCarthy LLC
26 Broadway, Suite 2400
New York, NY 10004
(212) 480-3500